

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Saxon Don Kelly

Docket No. 5:02-CR-130-2H

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Saxon Don Kelly, who, upon an earlier plea of guilty to 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge on December 10, 2002, to the custody of the Bureau of Prisons for a term of 63 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Saxon Don Kelly was released from custody on March 17, 2013, at which time the term of supervised release commenced. A violation report was submitted to the court on April 23, 2014, reporting that the defendant tested positive for marijuana on April 16, 2014. The defendant was verbally reprimanded and the court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant submitted a urine sample on March 9, 2015, that was returned positive for cocaine use. When confronted with the results, the defendant acknowledged that he used cocaine on or March 7, 2015. As a result of this drug use, the defendant has been re-enrolled in substance abuse counseling and the Surprise Urinalysis Program. Additionally, we would like to require the defendant to complete a cognitive behavioral course.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
2 Princess Street Suite 308
Wilmington, NC 28401-3958
Phone: 910-354-2537
Executed On: March 16, 2015

ORDER OF THE COURT

Considered and ordered this 17th day of March, 2015 and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge